

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	PRELIMINARY ORDER OF
- v. -	:	FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
MATTHEW WITKOWSKI,	:	
	:	S2 22 Cr. 312 (DLC)
Defendant.	:	
	:	
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WHEREAS, on or about January 19, 2023, MATTHEW WITKOWSKI (the “Defendant”), was charged in a one-count Superseding Information, S2 22 Cr. 312 (DLC) (the “Information”), with conspiracy to commit health care fraud, in violation of Title 18, United States Code, Section 1349 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), of all property, real and personal, that constitutes or is derived, directly or indirectly from gross proceeds traceable to the commission of the offense charged in Count One of the Information, including but not limited to a sum of United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, on or about January 19, 2023, the Defendant pled guilty to Count One of the Information;

WHEREAS, the Government asserts that \$4,065,995 in United States currency represents any and all property, that constitutes or is derived, directly or indirectly from gross proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained;

WHEREAS, the Government seeks a money judgment in the amount of \$4,065,995 in United States currency, pursuant to Title 18, United States Code, Section 982(a)(7), representing all property, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained; and

WHEREAS, the Court finds that as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY ORDERED AND ADJUDGED that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$4,065,995 in United States currency (the “Money Judgment”), representing the proceeds traceable to the offense charged in Count One of the Superseding Information that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant MATTHEW WITKOWSKI, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the Defendant’s name and case number.

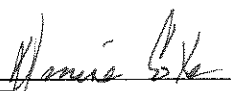
4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

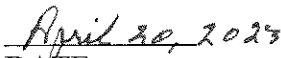
5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

SO ORDERED:

  
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DENISE COTE  
UNITED STATES DISTRICT JUDGE

  
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DATE